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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/562,647 | 12/27/2005 | Ronald Walter Neutel | 903-170 PCT/US | 8511 |
| 23869 7590 12/23/2008 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791 | | | EXAMINER UNDERWOOD, DONALD W | |
| | | | ART UNIT 3652 | PAPER NUMBER |
| | | | MAIL DATE 12/23/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/562,647 | Applicant(s) NEUTEL, RONALD WALTER | |
| | Examiner Donald Underwood | Art Unit 3652 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,11-21,23 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8,9,11-13,15,16,18-21,23 and 26-39 is/are rejected.
- 7) ☒ Claim(s) 3,14 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/10/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The new drawing (figure 11) and the amended figure 3b, both submitted 09/11/08, have been approved.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The instant claim is indefinite since it is void of active steps, i. e., "ing" steps. See Ex parte Kharasch 39USPQ123.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 8, 9, 11-13, 15, 16, 19-21 and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier as applied and for the reasons set forth in the Office action mailed 06/18/08.

Regarding the use of belts and pulleys to translate and rotate the gripper, this arrangement would have been an obvious extension of the use of belts and pulleys in Peltier. Note Peltier locates his actuators on the base.

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Regarding claim 2, the slide in Schinzel is symmetric and could be rotated 180 degrees.

Regarding claims 15, 16 and 33, each actuator in Schinzel as modified by Peltier comprises a shaft and a pulley which meets the transmissions as set forth in these amended claims.

Further regarding claim 16, the systems in Schinzel as modified Peltier would comprise guide pulleys. Note the corner pulleys in Peltier.

Claims 5, 23, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier as applied to claim 1 above, and further in view of Sawada, et al. as applied and for the reasons set forth in the Office action mailed 06/18/08.

Note Sawada uses belts and pulleys to operate his gripper.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier as applied to claim 1 above, and further in view of Burch as applied and for the reasons set forth in the Office action mailed 06/18/08.

Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier as applied to claim 1 above, and further in view of Dahlstrom as applied and for the reasons set forth in the Office action mailed 06/18/08.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier as applied to claim 1 above, and further in view of

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Fallas as applied and for the reasons set forth in the Office action mailed 06/18/08.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schinzel in view of Peltier and Dahlstrom as applied to claim 26 above, and further in view of Antoszewski, et al. and/or Hashimoto, et al. as applied and for the reasons set forth in the Office action mailed 06/18/08.

Claims 3, 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments have been carefully considered but are not deemed persuasive. Peltier uses actuators, belts and pulleys to move his arm and slide. The use of a similar arrangement to move the gripper would have been an obvious extension of this teaching. Moreover, sawada uses actuators, belts and pulleys to move his gripper. Thus the use of actuators, belts and pulleys can not form the basis for patentability. The references can not be viewed in vacuum but must be viewed for their collective teachings.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Underwood whose telephone number is 571-272-6933. The examiner can normally be reached on Mon-Thursday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald Underwood/
Primary Examiner, Art Unit 3652

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